

Service Date: November 14, 1988

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	DOCKET NO. T-9262
WILLIAM & LUCILLE WIMETT DBA WIMETT)	
TRUCKING, Missoula, Montana)	
for a Certificate of Public Conven-)	ORDER NO. 5901
ience and Necessity.)	

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FINAL ORDER NO. 5901

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APPEARANCES

FOR THE APPLICANT:

David Rodli, David Rodli Law Offices, P.C., 725 S.W.
Higgins Avenue, Suite C, Missoula, Montana 59803

FOR THE PROTESTANTS:

David L. Jackson, Jackson, Murdo, Grant & Larsen, P.C., 203
North Ewing, Helena, Montana 59601

FOR THE COMMISSION:

Robin McHugh, Staff Counsel, 2701 Prospect Avenue, Helena,
Montana 59620.

FINDINGS OF FACT

1. On June 9, 1988, William and Lucille Wimett dba Wimett Trucking, P.O. Box 5660, Missoula, Montana 59806, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and

Necessity authorizing the transportation of ore, Class C, between all points and places in Missoula and Granite Counties, Montana.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public July 6, 1988, with a protest date of July 26, 1988.

3. Protests were filed by Prince, Inc., Forsyth, Montana, and William P. LaVelle dba LaVelle Powder Co., Butte, Montana.

4. The Docket was Noticed for Public Hearing on September 13, 1988, and a hearing was held October 5, 1988, in the City Library, 301 East Main, Missoula, Montana. Testimony was taken from the Applicant and witnesses supporting the application. Following Applicant's presentation, Protestants offered to withdraw their protest to the application if the Applicant restrictively amended the application to limit transportation to specific accounts. Applicant agreed to limit the application and the protests were withdrawn.

5. The record of this application is available for inspection at the Public Service Commission Office, 2701 Prospect Avenue, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 2701 Prospect Avenue, Helena, Montana, on the 7th day of November, 1988, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-9262, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of WILLIAM AND LUCILLE WIMETT DBA WIMETT TRUCKING, Missoula, Montana for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent: Class C - Ore between all points and places in Missoula and Granite Counties. Limitations: Transportation is restricted to the following accounts or their successors in interest: 1. Garnet Mining Corporation; 2. Garnet Holding Corporation; 3. Cordoba Corporation; 4. Copper Cliffs Corporation; 5. Nancy Hanks Corporation.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Applicant herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 7th day of November, 1988, by a vote of 5 - 0 .

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

CLYDE JARVIS, Chairman

HOWARD L. ELLIS, Vice Chairman

JOHN B. DRISCOLL, Commissioner

DANNY OBERG, Commissioner

TOM MONAHAN, Commissioner

ATTEST:

Carol A. Frasier
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.

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